

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

CAMERON COUNTY HOUSING	§	
AUTHORITY AND COMMUNITY	§	
HOUSING & ECONOMIC	§	CIVIL ACTION NO.
DEVELOPMENT CORPORATION	§	
	§	
V.	§	
	§	
CITY OF PORT ISABEL, CITY OF	§	B – 17 – 229
PORT ISABEL CITY COMMISSION, AND	§	
PORT ISABEL PLANNING AND	§	
ZONING COMMISSION	§	

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**JOINT DISCOVERY/CASE MANAGEMENT PLAN  
UNDER RULE 26(F)  
FEDERAL RULES OF CIVIL PROCEDURE**

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1. State where and when the meeting of the parties required by Rule 26(f) was held and identify the counsel who attended for each party.

Response: Benjamin L. Riemer, Counsel for Plaintiffs, and J. Arnold Aguilar, Counsel for Defendant, conducted an email Joint Discovery/Case Management Plan meeting on January 16-22, 2018.

2. List the cases related to this one that are pending in any state or federal court with the case number and court.

Response: None.

3. Specify the allegation of federal jurisdiction.

Response: Plaintiffs allege violation of the Fair Housing Act, 42 U.S.C. §§ 3604 and 3617, Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, 42 U.S.C. §§ 1981 and 1982 and the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution, for which they sue pursuant to 42 U.S.C. § 1983. This Court therefore has federal-question jurisdiction because this is an action arising under the laws of the United States. 28 U.S.C. §1331.

4. Name the parties who disagree and the reasons.

Response: None.

5. List anticipated additional parties that should be included, when they can be added, and by whom they are wanted.

Response: None.

6. List anticipated interventions.

Response: None.

7. Describe class-action issues.

Response: None.

8. State whether each party represents that it has made the initial disclosures required by Rule 26(a). If not, describe the arrangements that have been made to complete the disclosures.

Response: The parties have agreed to exchange initial disclosures by February 15, 2017.

9. Describe the proposed agreed discovery plan, including:

- A. Responses to all the matters raised in Rule 26(f).

Response: The parties have agreed to exchange initial disclosures by February 15, 2018.

- B. When and to whom the plaintiff anticipates it may send interrogatories.

Response: Plaintiffs intend to propound interrogatories to Defendant on or before February 28, 2018.

- C. When and to whom the defendant anticipates it may send interrogatories.

Response: Defendant intends to propound interrogatories to Plaintiffs on or before February 28, 2018.

- D. Of whom and by when the plaintiff anticipates taking oral depositions.

Response: Plaintiffs intend to depose certain past and present members of the Port Isabel City Commission and the Planning and Zoning Commission, certain past and present City of Port Isabel officials, including Jared Hockema, and third party residents of the City of Port Isabel, on or before September 30, 2018.

- E. Of whom and by when the defendant anticipates taking oral depositions.

Response: Defendant intends to depose Plaintiffs' representatives, architects and engineers, including Daisy Flores, and any other fact witnesses Plaintiff may identify by September 30, 2018.

- F. When the plaintiff (or the party with the burden of proof on an issue) will be able to designate experts and provide the reports required by Rule 26(a)(2)(B) and when the opposing party will be able to designate responsive experts and provide their reports.

Response: Plaintiffs anticipates they can designate expert witnesses and produce expert reports by October 31, 2018.

Defendant anticipates it can designate responsive experts and produce their expert reports by November 30, 2018.

- G. List expert depositions the plaintiff (or the party with the burden of proof on an issue) anticipates taking and their anticipated completion date. *See* Rule 26(a)(2)(B) (expert report).

Response: Plaintiffs anticipate deposing all of Defendant's designated experts by December 31, 2018.

- H. List expert depositions the opposing party anticipates taking and their anticipated completion date. *See* Rule 26(a)(2)(B) (expert report).

Response: Defendant anticipates taking the depositions of Plaintiffs' experts by November 30, 2018.

10. If the parties are not agreed on a part of the discovery plan, describe the separate views and proposals of each party.

Response: The parties are in agreement.

11. Specify the discovery beyond initial disclosures that has been undertaken to date.

Response: None.

12. State the date the planned discovery can reasonably be completed.

Response: September 30, 2018.

13. Describe the possibilities for a prompt settlement or resolution of the case that were discussed in your Rule 26(f) meeting.

Response: The Parties agree that after fact witnesses are deposed, a mediation may be appropriate.

14. Describe what each party has done or agreed to do to bring about a prompt resolution.

Response: The Parties agree that after fact witnesses are deposed, a mediation may be appropriate.

15. From the attorneys' discussion with the client, state the alternative dispute resolution techniques that are reasonably suitable and state when such a technique may be effectively used in this case.

Response: The Parties agree that after fact witnesses are deposed, a mediation may be appropriate.

16. Magistrate judges may now hear jury and non-jury trials. Indicate the parties' joint position on a trial before a magistrate judge.

Response: The parties do not agree to a Magistrate judge hearing this action at this time.

17. State whether a jury demand has been made and if it was made on time.

Response: Plaintiffs and Defendant made timely jury demands.

18. Specify the number of hours it will take to present the evidence in this case.

Response: The Parties anticipate that it will take approximately 3-5 days to present the evidence in this case.

19. List pending motions that could be ruled on at the initial pretrial and scheduling conference.

Response: None.

20. List other motions pending.

Response: None.

21. Indicate other matters peculiar to this case, including discovery, that deserve the special attention of the court at the conference.

Response: None.

22. List and summarize all issues pending in the case. Include a statement that counsel have met and agreed on the summation list of issues.

Plaintiffs have alleged that Defendants, through any number of actions, blocked Plaintiffs from re-developing an affordable housing complex in Port Isabel, Texas, known as the Neptune Apartments. Plaintiffs allege that Defendants' conduct violated, among other things, the federal Fair Housing Act.

Defendants deny that any zoning decisions and considerations were based on race, rather than on reasonable health and safety requirements implemented through the police power of the City, for which it is entitled to sovereign or official immunity.

The parties have met and agreed on the foregoing summation list of issues.

22. List the names, bar numbers, addresses and telephone numbers of all counsel.

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Approved:

/s/ Benjamin L. Riemer  
Attorney-in-Charge, Plaintiffs

January 22, 2018  
Date

/s/ J. Arnold Aguilar  
Attorney-in-Charge, Defendant

January 22, 2018  
Date